

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FORT BEND COUNTY, et al.,

Plaintiffs,

v.

THE UNITED STATES ARMY CORPS
OF ENGINEERS; et al.,

Defendants.

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Civil Action H-18-CV-1739

ARMY CORPS' RESPONSE TO ORDER FOR STATEMENT

The Army Corps files the following one-page statement as Exhibit A, pursuant to the Court's May 29, 2020, order to "furnish a one-page statement that describes – in clear, practical terms – what it did, why it did it, and the consequences of alternative responses." Order, ECF No. 39. Exhibit A condenses complex matters and the Army Corps is prepared to provide additional detail at the Court's request.

Respectfully submitted this 11th day of June, 2020.

JEAN E. WILLIAMS
Deputy Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

/s/ Laura Duncan
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Exhibit A

Following several devastating floods, Congress authorized the Addicks and Barker Dams and Reservoirs (the Project) in 1938 at the request of locals to provide some flood risk protection to the City of Houston and the Houston Ship Channel. The Project temporarily detains floodwaters from upstream watersheds behind dams and then releases that floodwater through gates on each dam at a controlled rate into Buffalo Bayou, which flows through Downtown Houston. A Water Control Manual guides Project operations, which aim to manage floodwaters while protecting against Project failure. The Project has provided billions of dollars-worth of flood-reduction benefits to the Houston area over time.

Hurricane Harvey's extreme rainfall caused the Project Reservoirs to fill so quickly that the Corps, operating in accordance with its manual, opened the gates on the dams and began releasing floodwaters into Buffalo Bayou before other flooding downstream had subsided. Simultaneously, so much floodwater was draining into the Project Reservoirs that water backed up beyond federally-owned lands and flooded homes and businesses for the first time. However, Fort Bend County has known for decades that in a large enough storm, water could back up behind the Project and cause flooding of private property; it has long-required developments subject to such flooding to describe that condition on recorded plat maps.

Some flooding of private properties upstream of the Project was unavoidable given the size of the storm. If the Corps had ignored its manual and operated the Project differently—such as opening the gates to make the maximum releases—it could not have prevented all flooding beyond federally-owned lands. Ignoring the manual was not a realistic option. The manual prioritizes the safety of the Project dams; Project failure would jeopardize countless lives and property in the middle of the fourth largest City in the country. Even if the Project had never been built, flooding of some property beyond federally-owned lands would still have occurred.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of June, 2020, I filed the foregoing using the United States District Court CM/ECF which caused all counsel of record to be served electronically.

/s/ Laura Duncan

Laura Duncan

Attorney for Defendants